

2010

# Guidebook for 2010 Legislative & County Candidates: Running for Office in Maine. Traditionally Financed Candidates

Maine Commission on Governmental Ethics and Election Practices

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# Guidebook for 2010 Legislative & County Candidates *Running for Office in Maine*

Traditionally Financed  
Candidates







***Note on Publication of Guidebook (November 30, 2009)***

*This guidebook is addressed to individuals who run for legislative or county office in the 2010 elections as a traditionally financed candidate. The advice reflects laws enacted during the 2009 legislative session. Information concerning the petitioning process and qualifications for office will be provided by the Secretary of State later in 2009. The Ethics Commission may publish an updated guidebook in 2010.*

*The Commission has taken care to make this guidebook concise and accurate. However, you should not substitute the information presented here for the applicable statutory provisions of Maine Election Law and the Commission's Rules. The statutes and rules are available on the Commission's website. The statutory requirements are controlling in the event of any omission in this publication. Its contents are subject to statutory changes enacted by the Legislature and rule changes adopted under the Administrative Procedure Act.*

*Please telephone the Commission staff at (207) 287-4179 if you have any questions.*



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## CHAPTER 1

### Getting Started as a Candidate

#### Selecting a Campaign Treasurer

Every candidate is required to appoint a campaign treasurer before accepting any cash or in-kind contributions, making any expenditures, or incurring any obligations. A deputy treasurer may be appointed, but is not required.

The treasurer has specific duties under the Election Law:

- keeping detailed records of all campaign contributions and expenditures,
- completing campaign finance reports, and
- filing campaign finance reports on time.

#### **Definition of a “Candidate”**

‘Candidate’ means any person who has filed a [primary or nomination petition] and has qualified as a candidate by either procedure, or any person who has received contributions or made expenditures or has given his consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate.

(21-A M.R.S.A. § 1(5))

Every candidate should select a capable and reliable treasurer, who will actively keep track of your campaign finances, save records of your campaign contributions and expenditures as required by law, and file complete and accurate reports.

The Commission recommends that the candidate select a treasurer other than the candidate who can keep accurate records and balance a checkbook. However, the Election Law does allow a candidate to serve as the treasurer.

Candidates sometimes wish to select someone who has name recognition to be the treasurer. While this may be politically helpful, it may not be the best way to manage a campaign’s finances. One way to have a recognized name associated with your campaign is to appoint that person as the chair of your campaign committee and not as your treasurer. Your treasurer should be actively involved with your campaign since you and your treasurer are both legally responsible for accurate reporting and record-keeping.





## Forming a Campaign Committee

As a candidate, you may choose to organize one campaign committee to promote your election, such as “Friends of John Smith” or “Committee to Elect John Smith.” If you choose to form a committee, it must be identified on the Candidate Registration form.

Candidate committees are not political action committees (PACs). You can form a PAC for purposes other than your own election (for example, helping to elect other candidates or raising funds for leadership campaigns).

## Exploratory Committees

Maine Election Law does not provide for exploratory committees for candidates who are considering running for elective office.

## Registering as a Candidate

Within ten days of appointing a treasurer, you must file the Candidate Registration form with the Commission. This form provides basic contact information about you, your treasurer, deputy treasurer (if you have one), and your campaign committee (if any). When registering as a candidate, please remember:

- The Registration must be filed using the paper form. You cannot file the Registration electronically.
- If the information for you, your treasurer, deputy treasurer, or campaign committee changes during the campaign (including after the election), you must file an amended Registration form with the Commission or submit the changes in writing or by e-mail to the Commission. These

WHEN TO REGISTER AS A CANDIDATE		
Event occurs:	What to do:	How to register:
If you accept cash or in-kind contributions, make expenditures, or incur obligations for your campaign	Appoint a treasurer <u>before</u> accepting any contributions, making expenditures, or incurring obligations, and then register as a candidate within 10 days of appointing a treasurer	Complete the candidate registration form and submit it to the Commission
If you give your consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate		
If you filed a primary or nomination petition and qualified as a candidate under either procedure	Appoint a treasurer within 10 days of qualifying as a candidate, and register as a candidate within 10 days of appointing a treasurer	



updates are required by law and allow the Commission to contact you with reminders, notices, and telephone calls throughout the election year.

The duties to timely appoint a treasurer and to register as a candidate are statutory requirements under 21-A M.R.S.A. § 1013-A(A), so candidates are advised to take these responsibilities seriously.

### Voluntary Spending Limits

Traditionally financed candidates for the Legislature must complete and sign the “Statement Concerning Voluntary Expenditure Limits” within 10 days of registering with the Commission. Agreeing to the limits is voluntary, but the candidate must sign and submit the form to confirm whether they accept the limit on their spending per election (\$25,000 for Senate candidates and \$5,000 for House candidates) or do not agree with the limits.

The Voluntary Spending Limits form must be completed. On the form, you must check one of the boxes below:

☐ “I understand and accept...”

**OR**

☐ “I do not agree...”

and then sign and date the form.

### Code of Fair Campaign Practices

Subscribing to the Code is voluntary. The Commission is not authorized to take action against candidates who violate the Code.

The Maine Code of Fair Campaign Practices was adopted by the Maine Legislature in 1989 and is a voluntary statement for candidates running for the offices of Governor, the Senate, and the House of Representatives. The Code lists standards of conduct “consistent with the best Maine and American traditions, [of] discussing the issues and presenting [the] record and policies with sincerity and candor.” If you wish to subscribe to the Code, please sign the “Maine Code of Fair Campaign Practices” form, which is part of the registration packet.

### Open a Separate Bank Account

All candidates must have a separate bank account for their campaign funds. Candidates must deposit all contributions into a separate bank account that is used only for their campaign. A candidate may never commingle campaign contributions with any other funds. If you have kept a bank account from a previous election open by maintaining personal funds in that account, please remove those personal funds as soon as you have first deposited campaign contributions into the account. You are

The Election Law prohibits commingling campaign funds with any personal funds that belong to the candidate, campaign treasurer, or other officers of the campaign committee.



allowed to spend any interest earned on your campaign account, but you must remember to report any interest earned as a receipt.

The Commission staff recommends using the campaign account's checks or debit card as much as possible when making campaign expenditures. Using the campaign account's checks or debit card (rather than cash or your personal funds) will help you to keep track of the dates, amounts, and payees of your expenditures when it is time to file your campaign finance reports.

### **Exemption for Campaigns with No Financial Activity (County Candidates Only)**

Candidates for county offices who have sworn under oath that they will not collect contributions or make expenditures for their campaigns are exempt from the requirements of appointing a treasurer and filing campaign finance reports. To use this exemption, please complete Section 6 of the Registration form. If you later decide to accept contributions or make expenditures, you may revoke the exemption by filing an amended Candidate Registration form which leaves Section 6 blank. Please note on the amended Registration that you are revoking the exemption. Until a statement of revocation has been filed and a treasurer appointed, the candidate may not accept contributions or make expenditures to promote his or her candidacy.

### **Write-In Candidates**

Under the Commission's Rules, write-in candidates are required to register and to file campaign finance reports with the Commission according to the same reporting schedule as candidates on the ballot. Please check with the Office of the Secretary of State regarding the requirements for write-in candidates, because those requirements were amended in the 2009 legislative session.

LEGAL REFERENCES	
Selecting a Treasurer	21-A M.R.S.A. § 1013-A(1)
Removal of Treasurer	21-A M.R.S.A. § 1013-B
Duties of Treasurer	21-A M.R.S.A. §§ 1013-A(1)(A), (4); 1016; 1017(2), (3-A), (10); 1020-A(6), (10)
Authorizing One Campaign Committee	21-A M.R.S.A. § 1013-A(1)(B)
Registration	21-A M.R.S.A. § 1013-A(1)
Reporting Changes in Registration Information	21-A M.R.S.A. § 1013-A(5)
Code of Fair Campaign Practices	21-A M.R.S.A. § 1101 <i>et seq.</i>
Commingling of Campaign and Personal Funds	21-A M.R.S.A. § 1016(1)
Exemption from Reporting	21-A M.R.S.A. § 1017(7-A)
Write-In Candidates	Rules, Chapter 1, Section 1(5); Chapter 3, Section 8(3)



## CHAPTER 2

### Filing Campaign Finance Reports and Record-Keeping

#### Campaign Finance Reports

All candidates for Governor, the Legislature, and county office must file campaign finance reports with the Commission. Filing complete and accurate reports is a joint responsibility of the candidate and treasurer. This is a requirement of the Election Law that applies to anyone who is a candidate except those county candidates who have been granted an exemption from filing because their campaigns will have no financial activity.

Campaign treasurers have two primary responsibilities: filing campaign finance reports with the Commission and keeping required financial records for the campaign.

Most reports must be filed by 11:59 p.m. on the filing deadline. If you are required to file 24-Hour Reports, or Trigger Reports or Accelerated Reports (discussed in Chapter 6), these are due earlier in the day. Please refer to the following sections for the specific deadlines.

While the Commission mails written reminders to candidates, it is the candidate and treasurer's responsibility to remember and to comply with the filing deadlines. Candidates who do not submit a report by the filing deadline will be assessed a civil penalty, unless the candidate requests and the Commission grants a waiver of the penalty.

#### How to File Reports

**Electronic Filing Requirement.** Candidates in the 2010 elections who have (or expect to have) receipts of more than \$1,500 are required to file all campaign finance reports electronically on the Commission's website. Candidates who expect to have receipts of \$1,500 or less may file reports using the Commission's paper forms.

**Electronic Filing Waiver.** Candidates who do not have access to the technology or the technological ability to file reports electronically may file their reports using the paper forms after requesting a waiver of



the electronic filing requirement. The Commission grants all reasonable requests for a waiver. If you would like a waiver of the requirement, you need to complete the Electronic Filing Waiver request form and submit it to the Commission. The deadline for filing a waiver request is April 15, 2010, but the Commission will honor requests filed later.

***How to File Electronic Reports.*** After you register as a candidate, the Commission staff will mail you a username and password. The campaign may type the contribution and expenditure information in the online forms on the Commission's website at any time, but the campaign must click the "File Report" button by 11:59 p.m. on the filing deadline.

Candidates have another e-filing option, if they keep records of their contributions and expenditures in Microsoft Excel or another software program (e.g., Access or Quickbooks) which provides an output of data in a CSV (comma-separated value) format. Using templates that are available from the Commission staff, these candidates may upload the information electronically without entering the data onto the online forms on the Commission's website. Please call the Commission staff if you would like more information about this option.

***How to File Paper Reports.*** If you do expect to have receipts no greater than \$1,500 or if you have requested a waiver of the electronic filing requirement, you may file your campaign finance reports using paper forms. The Ethics Commission must receive the original campaign finance report signed by both the candidate and the treasurer at its office by 5:00 p.m. on the filing deadline, except in two circumstances. A properly signed report may be faxed to the Commission office at (207) 287-6775 by 11:59 p.m. on the deadline, provided that the original report is received by the Commission within five days of the faxed copy. The time stamp from the Commission's fax machine will be deemed the time that the report was filed. A report that is sent by certified or registered mail and that is postmarked at least 2 days before the filing deadline will not be considered late, even if it is received after the deadline.

## **Required Reports**

***Semiannual Report for Candidates with Financial Activity in 2009.*** If a candidate raises or spends more than \$500 before December 31, 2009, the candidate must file a Semiannual Report no later than January 19, 2009 covering all financial activity during 2009.

***Required Reports for All Candidates.*** In addition to Semiannual Reports, candidates are required to file campaign finance reports according to the schedule on the table on the next page. Each report covers a specific time period and should include all activity within that period.



### 2010 REPORTS FOR LEGISLATIVE AND COUNTY CANDIDATES

Type of Report	Deadline	Report Period
11-Day Pre-Primary	May 28, 2010	Beginning of campaign* – May 25, 2010
42-Day Post-Primary	July 20, 2010	May 26 – July 13, 2010
42-Day Pre-General	September 21, 2010	July 14 – September 14, 2010
11-Day Pre-General	October 22, 2010	September 15 – October 19, 2010
42-Day Post-General	December 14, 2010	October 20 – December 7, 2010

\* If you file a January 2010 Semiannual Report, the 11-Day Pre-Primary report period begins on January 1, 2010.

**Running against a Maine Clean Election Act Opponent.** If you are running against a Maine Clean Election Act (MCEA) opponent in a primary or general election and your total receipts or expenditures for that election exceed the applicable “Trigger Amount,” you will be required to file additional reports with the Commission. Please read Chapter 6 if you have an MCEA opponent in a primary or general election.

**24-Hour Reports.** The 24-hour reporting requirement applies during the 13-day period prior to an election (see calendar on next page). This 13-day period includes two weekends. The report must be filed within 24 hours when a candidate:

- receives contribution(s) aggregating \$1,000 or more from a single source, or
- makes a single expenditure or incurs an unpaid obligation of \$1,000 or more.

There is a lower expenditure threshold for filing a 24-Hour Report if you face a MCEA opponent and have filed a Trigger Report (see Chapter 6 for details). Any contributions, expenditures, or obligations disclosed in a 24-Hour Report must also be included in the next campaign finance report.

It is important to remember that the term “expenditure” includes making an obligation to a vendor for goods or services ordered. So, if you enter into an obligation to a vendor during the 24-Hour reporting period, you must report the obligation within 24 hours — regardless when you pay the vendor. Please see the chart at right for a list of actions which constitute making an obligation.

#### UNPAID OBLIGATIONS WHICH ARE REPORTABLE IN 24-HOUR REPORTS

The placement of an order for goods and services
A promise or agreement (even an implied one) that payment will be made
The signing of a contract for a good or service
The delivery of a good or service even if payment has not been made



2010 PRIMARY ELECTION 24-HOUR REPORTING PERIOD MAY 26, 2010 – JUNE 7, 2010						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
May 23	24	25	26 Reporting Period Starts	27	28	29
30	31	June 1	2	3	4	5
6	7 Reporting Period Ends	8 Primary Election Day	9	10	11	12

2010 GENERAL ELECTION 24-HOUR REPORTING PERIOD OCTOBER 20, 2010 – NOVEMBER 1, 2010						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
Oct 17	18	19	20 Reporting Period Starts	21	22	23
24	25	26	27	28	29	30
31	Nov 1 Reporting Period Ends	2 General Election Day	3	4	5	6

#### How to file 24-Hour Reports:

- File reports electronically
- Paper filers can file in person or by fax

#### When to file 24-Hour Reports:

- Within 24 hours of the contribution, expenditure, or obligation
- A report must be filed on a weekend or holiday if the report is due on those days – you cannot wait until the next business day
- Even paper filers must file a report by fax if it is due on the weekend
- Contributions received and expenditures made on the day before an election must be reported on election day

### Reports Required for Candidates Who Are Defeated in a Primary Election

Candidates who are defeated in a primary election must file the primary election reports, but are not required to file the three general election reports. The 42-Day Post-Primary Report due July 20, 2010 is the final campaign finance report for candidates who have a cash balance, loan balance, and unpaid debts and obligations of no more than \$100.

If candidates who have lost a primary election dispose of surplus cash, and pay off all debts, obligations and loans (including forgiving loans if the candidate, candidate's spouse or domestic partner made the loan) by July 14, 2010, no other reports are required. Please see the Appendix for information on how to dispose of surplus cash.

Candidates who have a cash balance, campaign debt, or outstanding loan balance of more than \$100 after the primary election must file semiannual reports every January 15<sup>th</sup> and July 15<sup>th</sup> until the cash balance, unpaid debts or loans are \$100 or less. (Please see Chapter 8.)



Candidates have four years after the election to dispose of a cash balance greater than \$100. Cash surpluses may only be disposed of in certain ways. See the Appendix for more information about disposing of surplus cash.

### Reports Filed by Replacement Candidates

A candidate who fills a vacancy caused by the withdrawal or death of another candidate is required to file campaign finance reports. The filing schedule will be determined when the candidate registers with the Commission.

It is the responsibility of the candidate and treasurer to remember the filing deadlines.

### Reminders by the Commission

The Commission mails to all candidates a packet of information including the filing schedule for campaign finance reports. The filing schedule is posted on the Commission's website. In addition, at least two weeks before each filing deadline, the Commission mails a written reminder to all candidates.

### Amendments

Candidates and treasurers are required by the Election Law to certify the completeness and accuracy of the information included in each report, and are expected to take that certification seriously. If the candidate or treasurer unintentionally makes an omission in a report or includes incomplete or inaccurate information, they must promptly file an amendment. All amended reports are reviewed by the Commission. If the Commission determines that any report does not substantially conform to the disclosure requirements, the Commission may consider the report late (even if it was filed on time).

### Commission's Review of Reports

The Commission staff reviews all campaign finance reports for completeness and compliance with the Election Law. If the staff believes a report is incomplete or requires additional information, it will contact the candidate or treasurer by telephone or in writing.

### Legal Requirements to Keep Certain Records

The Election Law requires every campaign to keep certain campaign records:

*"Each treasurer shall keep detailed records of all contributions received and of each expenditure that the*





*treasurer or candidate makes or authorizes. When reporting contributions and expenditures to the commission..., the treasurer shall certify the completeness and accuracy of the information reported by that treasurer.” (21-A M.R.S.A. § 1016)* All

candidates are required to keep itemized accounts of contributions received and expenditures made by their campaigns. The campaign is not required to submit records to the Commission unless requested.

Record-keeping is an important legal responsibility of the campaign treasurer. In addition, the treasurer is responsible for filing accurate campaign finance reports.

**Contributions.** For contributions over \$10, the campaign is required to keep an account of the date and amount of the contribution and the contributor’s name and address. For contributors who have given more than \$50 during a report period, the campaign also is required to keep a record of the contributor’s occupation and employer. For purposes of reporting contributions, any amounts received from contributors who have given \$50 or less for the report period do not have to be itemized and may be aggregated in a lump sum listed on Schedule A of the campaign finance reporting form.

**Expenditures.** For expenditures over \$50, the Election Law requires that candidates keep a receipt (bill or invoice marked paid) stating the particular goods or services purchased. Also, the campaign treasurer is required to keep a detailed and exact account of all expenditures made by or on behalf of the candidate or campaign committee, including the name of each payee, and the date and amount of the expenditure.

For candidates in the 2010 general election, records must be kept until December 2012.

The campaign treasurer is required to keep these records for two years following the filing of the final campaign finance report required

for the election cycle.

### **Documenting Purchases Made with Funds of the Candidate or an Intermediary (Not from the Campaign Bank Account)**

The Commission staff encourages candidates to make all payments directly from the campaign bank account to the vendor. Nevertheless, some candidates find it helpful or necessary for the candidate or an intermediary (such as a volunteer or member of campaign staff) to use personal funds to pay a vendor for goods and services, and then to be reimbursed by the campaign. In these situations, the same documentation requirement applies for expenditures of \$50 or more. The campaign must obtain from the candidate or intermediary an original invoice or receipt from the vendor.

### **Documenting Purchases Made by a Consultant**



If your campaign pays a consultant for goods or services worth \$50 or more, it is required to obtain an invoice from the consultant. In addition, if the consultant purchases goods or services on behalf of the campaign, your campaign is required to disclose those purchases in its campaign finance reports as though the campaign made the purchases directly (as described on page 16). In order to meet this reporting requirement, the Commission staff recommends that you ask the consultant to obtain and to provide to you an invoice or receipt for every purchase made by the consultant. This is not a legal requirement but is recommended to assist the candidate in filing complete reports.

### Requests for Documents by the Commission

As part of its compliance reviews, the Commission staff sometimes requests documentation for contributions and expenditures (*e.g.*, a vendor invoice to verify the goods and services purchased).

### Statement of Sources of Income

All legislative candidates who are not already members of the Legislature must file a Statement of Sources of Income no later than 5:00 p.m. on August 2, 2010. The statement includes the sources of the income which the candidate received during the calendar year before the election year from employment, self-employment, gifts, and other sources. The forms are mailed to candidates in July of the election year. Incumbent Legislators who have filed a Statement of Sources of Income in February of the election year have already met this requirement and are not required to file the statement in August.

#### LEGAL REFERENCES

Requirement to Keep Records	21-A M.R.S.A. §§ 1013-A(4), 1016
Requirement to File Reports	21-A M.R.S.A. §§ 1013-A(4); 1016; 1017(3-A), (3-B)
24-Hour Reporting Requirement	21-A M.R.S.A. § 1017(3-A)(C), (3-B)(C)
Electronic Filing Requirement	21-A M.R.S.A. § 1017(10)
Fax and Certified Mail Submission of Reports	21-A M.R.S.A. § 1020-A(4-A)
Substantially Non-Conforming Reports	21-A M.R.S.A. § 1020-A(2)
Statement of Sources of Income	1 M.R.S.A. § 1016-C





## CHAPTER 3

### What to Include in Campaign Finance Reports

#### Description of a Campaign Finance Report

The campaign finance reports consist of a cover page and six schedules. Each schedule is identified by a letter and title, and covers information you are required to report to the Commission. See the summary description for each schedule below.

Cover Page	Contact Information	Contact information for you and your treasurer is reported here and is automatically completed when filing electronically.
Schedule A	Cash Contributions	Cash contributions you received during the report period are entered on this schedule. You must itemize contributions for any contributor who has given you more than \$50 in the report period, by providing the name, address, occupation and employer of the contributor, and the date and amount of the contribution.
Schedule A-1	In-Kind Contributions	In-kind contributions (goods and services) you received during the report period are entered on this schedule, including a description of the goods and services and a statement of their fair market value. The fair market value is what it would have cost if you had paid cash for the donated goods or services. Some goods and services do not constitute in-kind contributions and, therefore, are not reportable. (See next chapter and Appendix.)
Schedule B	Expenditures	Expenditures you made during the report period are entered on this schedule, including date, amount, payee, and type of expenditure. Some expenditure types require a more detailed remark (see expenditure types on page 15).
Schedule C	Loans and Loan Repayments	Information about loans received, repaid, or forgiven is entered on this schedule.
Schedule D	Unpaid Debts and Obligations	Any debts or obligations that are unpaid <u>at the close of the report period</u> are entered here.
Schedule F	Summary Section	This schedule summarizes your financial activity for the report period by showing totals of the different kinds of receipts and your total expenditures. For electronic filers, these totals are calculated automatically. The cash balance on this schedule should match the cash balance in your campaign bank account.



• Select one schedule at a time to add new transactions or to amend old transactions.

Status: In-Progress (A)

<input type="checkbox"/> Select All	No Activity on Schedule	Amended
<input type="checkbox"/> Cover Page		
<input type="checkbox"/> Interest Earned	✓	
<input type="checkbox"/> Schedule A Cash Contributions	✓	
<input type="checkbox"/> Schedule A-1 In-Kind Contributions	✓	
<input type="checkbox"/> Schedule B Expenditures	✓	
<input type="checkbox"/> Schedule C Loans/Loan payments	✓	
<input type="checkbox"/> Schedule D Unpaid Debts and Obligations	✓	
<input type="checkbox"/> Schedule F Summary Section	✓	

Add New Transactions

Amend Old Transactions

View/Print Report

File Report

File No Activity Report

CSV Upload

In the electronic filing system, these schedules are listed on a “Report Menu” screen (see figure at right). To enter data into a report, check the appropriate schedule and follow the instructions on each screen.

## Time Period for Each Report

As explained in Chapter 2, each campaign finance report that you will file covers a specific period of time. You need to report all contributions received and expenditures made during that period and all obligations that remain unpaid at the end of the period. If you had activity in an earlier time period that has not been reported, you need to amend the previously filed report for the earlier time period. When completing your reports, you and your treasurer are encouraged to call the Commission staff with any questions.

## Cash and In-Kind Contributions

**Reporting Contributions of \$50 or Less.** If a contributor has given you contributions that total \$50 or less during the report period, you are not required to itemize the contributions. You may enter those contributions as a lump sum. If you are filing your reports electronically, please select the contributor type of ‘Contributors Giving \$50 or Less’ to enter the total.

CONTRIBUTOR TYPES	
1	Candidate and Candidate’s Spouse/Domestic Partner
2	Other Individuals
3	Commercial Sources (corporations, etc.)
4	Political Action Committees
5	Political Party Committees
6	Other Candidates and Committees
7	(This type not applicable to privately financed candidates.)
8	Contributors Giving \$50 or Less
9	Transfer from Previous Campaign

**Duty to Report Contributor’s Occupation and Employer.** If a contributor has given you contributions totaling more than \$50 for the report period, you are legally required to report the contributor’s occupation and employer (if any). Under the Commission’s Rules, your campaign must make a reasonable effort to obtain the information from the contributor. If a contributor is unwilling to provide the information to you in response to a request, please report “information requested” in the occupation and employer fields.

## Expenditures

**Reporting Expenditures.** The Election Law requires that all candidates disclose every expenditure on campaign finance reports submitted to the Commission. Expenditures are reported on Schedule B of the campaign finance report. The Election Law requires you to report the date, amount, payee, and purpose of the expenditure. The “payee” refers to the vendor that provided the goods or services to the campaign. Please do not report “cash” or “reimbursement” as the payee. If the campaign is making a reimbursement to someone who has purchased a good or service for the campaign, please do not enter as the payee the individual receiving the reimbursement. (Please refer to the section below on reporting reimbursements.) The name of the candidate or a campaign worker may appear under “Payee” if the candidate or worker is receiving a reimbursement for travel or if the campaign worker is being paid for a good or service which the worker has provided to the campaign.

**Types of Expenditures and Required Remarks.** To report the purpose of the expenditure, the Commission requires candidates to indicate an “expenditure type” for each expenditure. Some expenditure types require a remark that describes in more detail the nature of the goods or services purchased (see table below). It is important that you choose the most appropriate expenditure type for each transaction and that you give a concise but descriptive explanation for those expenditure types that

EXPENDITURE TYPES			
	Expenditure Types Requiring <b><u>NO</u></b> Remark		Expenditure Types Which <b><u>REQUIRE</u></b> a Remark
CON	Contribution to other candidate, party, committee	CNS	Campaign consultants
FOD	Food for campaign events, volunteers	EQP	Equipment (office machines, furniture, cell phones, etc.)
LIT	Print and graphics (flyers, signs, palmcards, t-shirts, etc.)	FND	Fundraising events
MHS	Mail house (all services purchased)	OTH	Other (bank fees, entrance fees, small tools, wood, etc.)
OFF	Office rent, utilities, phone and internet services, supplies	PRO	Other professional services
PHO	Phone banks, automated telephone calls	SAL	Campaign workers’ salaries and personnel costs
POL	Polling and survey research	TRV	Travel (fuel, mileage, lodging, etc.)
POS	Postage for U.S. Mail and mail box fees		
PRT	Print media ads only (newspapers, magazines, etc.)		
RAD	Radio ads, production costs		
TVN	TV or cable ads, production costs		
WEB	Website design, registration, hosting, maintenance, etc.		

require a remark.

### **Reporting Reimbursements Made to the Candidate, Supporter, or Candidate’s Household Member.**

Many candidates ask if they or a supporter can use personal funds or a credit card to pay for campaign goods or services and later be reimbursed by the campaign. This is permissible as long as the campaign



is careful to reimburse the candidate or supporter. Otherwise, the candidate or supporter has made an in-kind contribution to the campaign.

The payment must be disclosed in the reporting period in which the vendor received the payment. If you or one of your supporters uses personal funds or a credit card to pay a vendor, report the vendor as the payee and the date on which the vendor received payment. In the remark section, enter the name of the person who paid the vendor and who received the reimbursement. (See chart below.) If the person

EXAMPLES OF CORRECTLY REPORTED REIMBURSEMENTS				
SCHEDULE B – EXPENDITURES				
DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code)	REMARK	AMOUNT
5/10/2010	USPS - AUGUSTA	POS	REIMBURSEMENT TO AL HAMILTON FOR STAMPS	\$420.00
5/24/2010	OFFICE SUPPLY	PRT	REIMBURSEMENT TO J. ADAMS FOR COPIES	\$154.67

receiving the reimbursement is a member of the candidate's immediate family or household, the relationship to the candidate must be reported (e.g., "Reimbursement to May White, candidate's spouse.")

**Reporting Unreimbursed Expenditures from the Candidate's Personal Funds.** Traditionally financed candidates who are self-funding all or part of their campaign can either enter the expenditure made for their campaign as an in-kind contribution on Schedule A-1 (one entry) or enter the expenditure on Schedule B and enter a corresponding contribution in the same amount on Schedule A (two entries).

If the expenditure paid for by the candidate is entered only on Schedule B, the campaign's cash balance will be incorrect (and most likely negative).

**Reporting Mileage Reimbursements.** When reporting a mileage reimbursement, enter the name of the person receiving the reimbursement as the payee. Volunteers may spend up to \$100 of their personal funds per election (primary or general) on campaign travel. After that, the campaign must reimburse the volunteer for their travel expenditures or the spending will be considered an in-kind contribution to the campaign.

**Reporting Purchases Made by a Consultant or Firm.** When you hire a consultant and the consultant makes expenditures on behalf of your campaign, you are required by Commission Rule to report those expenditures as though the campaign made them directly. (Please see chart on next page) In order to meet this reporting requirement, the Commission staff recommends that when you hire a consultant, you



ask that the consultant provide your campaign with a receipt, invoice or other statement from any vendor that the consultant pays for any goods or services worth \$50 or more.

It is your campaign's responsibility to find out about expenditures made by your consultants on your

REPORTING PURCHASES MADE BY A CONSULTANT: MEDIA BUYER				
SCHEDULE B – EXPENDITURES				
DATE EXPENDITURE MADE	NAME OF EACH PAYEE	EXPENDITURE TYPE (use code)	REMARK	AMOUNT
5/10/2010	MEDIA ASSOCIATES	CNS	CONSULTING SERVICES FOR PURCHASING TV ADS; TOTAL PAID TO MEDIA ASSOC - \$32,600	\$1,600
5/10/2010	WMTW TV	TV	PAID BY MEDIA ASSOC ON BEHALF OF THE CAMPAIGN	\$20,000
5/10/2010	WABI TV	TV	PAID BY MEDIA ASSOC ON BEHALF OF THE CAMPAIGN	\$11,000

campaign's behalf and to report those expenditures. If you reported a lump sum payment to a consultant in a previously filed report, you may need to amend that report to deduct from that amount any expenditures made by your consultant (so the costs are not double-reported), and you should note in the remarks column that the expenditures were made by the consultant.

**Reporting Payments Made to Household Members.** You may pay campaign funds to members of your immediate family or to members of your household for goods or services they have provided to your campaign. If you do so, you must report the family or other relationship (e.g., “spouse,” “domestic partner,” “brother,” “roommate”) in the remark section of Schedule B of the campaign finance report. You must also report the relationship if you reimburse the family or household member for a purchase they made on behalf of the campaign.

Because the date, amount, payee, and purpose of every expenditure must be reported, the Commission staff discourages the use of petty cash or the withdrawals of large amounts of cash to pay campaign workers.

**Reporting Withdrawals of Cash.** The Commission recommends making expenditures by writing checks or using a debit card for the campaign's bank account, so that as many expenditures as possible are made through the campaign account. This will help the campaign keep track of the dates, amounts, and payees of all expenditures which must be included on campaign finance reports.

If the campaign chooses to withdraw cash to use for petty expenses or campaign workers, do not report a payment to “cash.” Instead, for each expenditure of the cash, keep a receipt or record which includes the date, amount, payee, and purpose of the expenditure, so that you can include this information in campaign finance reports.





***Reporting Interest Earned on Bank Accounts.*** Candidates are permitted to earn interest on campaign funds in bank accounts and to spend that interest for campaign purposes. There is a separate screen on the Commission's e-filing system to report interest earned. At the end of each report period, calculate the total amount of interest earned for the entire report period, and enter the total onto the report.

## **Loans**

Under the Election Law, non-commercial loans are considered contributions to the campaign. They are disclosed on Schedule C of the reporting form. They are subject to the limitations on contributions, as explained on page 22. If your campaign received or repaid a loan during the current report period, please report those transactions on Schedule C. If the lender forgives all or part of the loan, also enter that action on Schedule C. The Commission's e-filing system carries forward loans from one report period to the next. So, if the campaign received a loan during a previous report period, and there has been no activity relating to the loan during the current report period, please do not enter anything on Schedule C in the current report.

If you or a supporter purchased goods or services from a vendor with a personal credit card and have not been reimbursed by the campaign by the end of the report period, please do not report the transaction as a loan on Schedule C. Rather, please report the transaction as an unpaid debt on Schedule D, as explained in the next section.

## **Unpaid Debts and Obligations**

If you have incurred unpaid debts or obligations and they are unpaid at the end of the report period, enter them on Schedule D. Report the date on which the debt or obligation was incurred, the name and address of the creditor, the amount and purpose of the transaction. When any payment (all or part) is made on a debt or obligation, please disclose the payment as an expenditure on Schedule B. If the unpaid debt or obligation remains unpaid at the end of the next subsequent report period, you will have to re-enter the amount that is still unpaid on Schedule D. Your treasurer will continue to disclose the unpaid balance of that debt or obligation on Schedule D until full payment is made to the vendor.

### **LEGAL REFERENCES**

Required Contents of Report	21-A M.R.S.A. § 1017(5)
Forms of Commission	21-A M.R.S.A. § 1017(6)
Expenditures by Consultants	Rules, Chapter 1, Section 7(1)
Payments to Members of Household and Family	21-A M.R.S.A. § 1017(5)



## Chapter 4

### Accepting Contributions

#### Definition of Contribution

The term “contribution” is defined in the Election Law to include:

*“A gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office or for the purpose of liquidating any campaign deficit of a candidate . . . .”* (21-A M.R.S.A. § 1012(2), copied in the Appendix)

For further explanation of what is a contribution, please refer to 21-A M.R.S.A. § 1012(2) (copied in the Appendix) and Chapter 1, Section 6 of the Commission’s Rules.

#### Contribution Limitations

A contributor may donate to a candidate for legislative or county office no more than \$350 per election in the aggregate. The Ethics Commission will adjust the limit for inflation in December 2010 based on the consumer price index.

The limit applies to all types of contributors, including:

- individuals;
- political action committees and party committees;
- businesses, corporations, firms and partnerships; and
- other associations and organizations.

The limits do not apply to contributions made by the candidate or by the candidate’s spouse or domestic partner, who can contribute an unlimited amount to the campaign. No individual may make contributions aggregating more than \$25,000 to all candidates for state office in any calendar year, except for contributions to a candidate made by the candidate or by the candidate’s spouse or domestic partner.



Corporations and labor unions may contribute their general treasury funds to candidates for state office in Maine.

### **Attributing a Contribution Toward the Primary or General Election**

For candidates who are enrolled in a political party (Democratic, Green-Independent, or Republican), the primary and general elections are considered different elections. So, a candidate who is on the ballot for both elections may accept \$350 from a contributor for the primary election and \$350 from the contributor for the general election. All contributions received by unenrolled (independent) candidates are counted toward a single limit of \$350 for the general election.

*Collecting General Election Contributions Before the Primary Election.* In 2009, the Maine Legislature directed the Commission to amend its rules so that, before the primary election, a candidate may accept contributions from a single contributor for both the primary and for the general election at the same time, so long as:

- the candidate designates each contribution in campaign finance reports as having been received for the primary or the general election,
- all general election contributions received before the primary election are segregated from primary election campaign funds, and
- the candidate may not borrow general election contributions to promote the candidate's nomination in the primary election.

Under the Commission's Rules, any amount contributed to a candidate after the primary election is considered to be for the general election except for candidates who lost the primary election and are retiring debts for the primary election. No change is anticipated to this provision.

### **Other Restrictions on Contributions**

*Anonymous Contributions.* Anonymous contributions of more than \$10 may not be accepted.

*Contributions in the Name of Another.* No person may make a contribution in the name of another person, and no candidate may knowingly accept such a contribution. Candidates are expected to take reasonable steps to identify the original source of funds and to report the actual contributor. Misreporting the source of contributions is a serious violation of the Election Law. Candidates who knowingly accept a contribution made by one person in the name of another person may be assessed a penalty of up to \$5,000. It is a crime to make a contribution in the name of another person or to knowingly accept a



contribution made by one person in the name of another person.

The Commission staff has received questions from candidates concerning this prohibition mainly in connection with parents contributing for their children. If the candidate has a doubt as to whether a child gave a contribution, the Commission recommends that the candidate contact the contributor to confirm and to document that the child gave the contribution and that it was not given by the child's parents.

*Contributions from Lobbyists During the Legislative Session.* The Governor, a member of the Legislature, a constitutional officer, or the staff or agent of the Governor, a member of the Legislature or a constitutional officer may not solicit or accept a contribution from a lobbyist, lobbyist associate or client during any period of time in which the Legislature is in session (even with their personal funds) except for contributions to a Legislator's campaign for federal office.

### **Contributions from Corporations and Affiliated Entities**

In certain circumstances, the Election Law considers businesses, or non-profit or other organizations to be a single contributor if they have common owners or officers.

Over-the-limit contributions may result when a candidate has accepted contributions from multiple businesses or nonprofits which are considered to be a single contributor under the Election Law. If your campaign has accepted contributions from affiliated entities, please check 21-A M.R.S.A. § 1015-A and call the Commission staff if you have any questions.

If the entities are considered a single contributor, the combined total of their contributions to a candidate may not exceed \$350 per election. Candidates are expected to take reasonable actions to avoid accepting over-the-limit contributions from affiliated entities.

A sole proprietorship and its owner are considered to be a single entity. In addition, two or more entities are considered a single contributor if they share the majority of the members of their boards of directors; share two or more officers; are owned or controlled by the same majority shareholder(s); or are in a parent-subsidary relationship.

The Election Law also states that "[c]ontributions made by a for-profit or a nonprofit corporation including a parent, subsidiary, branch, division, department or local unit of a corporation, and contributions made by a political committee or political action committee whose contribution or expenditure activities are financed, maintained or controlled by a corporation are considered to be made by that corporation, political committee or political action committee." (21-A M.R.S.A. § 1015-A)

### **Earmarked Contributions**

If a contributor gives an amount of money to an intermediary such as a political action committee or a



party committee and directs that the money be contributed to a specific candidate, the original source of the funds is considered the contributor to the candidate. The intermediary is required to notify the candidate of the original source of the funds, so that the candidate may report the original source as the contributor of the earmarked funds. Examples of earmarked contributions would include:

- an employer giving \$250 to an employee and directing the employee to contribute the money to a candidate,
- an organization giving \$300 to a party committee, and asking the party committee to donate it to a candidate, and
- a parent giving \$100 to a teenage child and directing the child to donate the money to a candidate.

## Loans

Under the Election Law, non-commercial loans are considered contributions to the candidate. So, they are subject to the maximum amounts that a contributor may provide to a candidate per election. For legislative and county candidates, the contribution limit is \$350 per election. These limitations do not apply to loans from the candidate and the candidate's spouse or partner, who can lend an unlimited amount to the campaign. Loans to a candidate made by a financial institution in Maine made in the ordinary course of business are not considered to be contributions and are not subject to the contribution limits.

Candidates who are enrolled in a political party have two separate limits for the primary and general elections. Contributions and loans to an independent candidate count toward a single limit for the general election.

If a person gives more than \$50 in total during a report period, the campaign must keep a record of the person's occupation and employer.

## Occupation and Employer of Contributors

As noted in Chapter 3, candidates are required to report the occupation and employer of contributors who give more than \$50 to the candidate during a report period. Under the Commission's Rules, the campaign must make a reasonable effort to obtain the information from the contributor. The Commission staff recommends that the campaign ask the contributor for the information at the time the contribution is solicited. If a contributor is unwilling to provide the information to the campaign in response to a request, please report "information requested" in the occupation and employer fields.



## Keeping Records of Contributors

Your campaign treasurer is required to keep a detailed and exact account of the name and address of every person making a contribution of more than \$10, and the date and amount of the contribution. For contributors giving more than \$50 in a report period, your treasurer is required to keep a record of the occupation and employer of the contributor.

## In-Kind Contributions

“In-kind contributions” are goods and services that are provided to the campaign at no cost or at a cost that is less than the usual and customary charge. They are subject to the same \$350 contribution limit as cash contributions. The following activities are examples of in-kind contributions:

- the candidate purchases campaign signs and is not reimbursed by the campaign,
  - a supporter of a candidate pays for some of the candidate’s advertising in a community newspaper and is not reimbursed by the campaign,
  - a friend of a candidate who owns a copy shop provides the campaign with a discount on printing services,
  - a volunteer who is making signs to give to the candidate buys plywood and paint and is not reimbursed by the campaign,
  - the owner of a local business provides the campaign, free of charge, some of his paid staff members to work for the campaign on company time, and
  - a commercial vendor extends credit to the campaign under terms that are not substantially similar to the terms extended in the ordinary course of business to nonpolitical customers.
- Also, please see page 31 for an explanation of how unpaid debts and obligations may be considered in-kind contributions if they remain unpaid after an election.

If a campaign has received an in-kind contribution, the campaign must report a description of the goods or services received on Schedule A-1 of the campaign’s finance reports. The campaign must also provide the fair market value of the contribution, which is what the goods or services would have cost the campaign if it had paid cash for the donated goods or services. If the campaign has received a discount on goods or services, the discount is the amount of the contribution.

## Volunteer Services vs. Paid Assistance



Individuals are permitted to provide their services for free to your campaign as volunteers. A candidate may provide compensation to a volunteer for a portion of the volunteer's time spent on campaign activities. However, if the volunteer provides their services with the knowledge of their employer during their paid work-time, then the employer has made a contribution to your campaign.

### **Assistance from State Party Committees**

Candidates may receive some assistance from paid employees of a state party committee without that help constituting an in-kind contribution. State party committees may:

- provide up to 40 hours of assistance by paid employees to a candidate in each election (primary or general);
- recruit and oversee volunteers for campaign activities involving three or more candidates; or
- coordinate campaign events involving three or more candidates.

This exception applies only to state party committees (Democratic, Green-Independent, and Republican), and does not apply to local party committees, caucus committees, or other political action committees (PACs).

### **Exempt Goods and Services**

Certain goods and services are excluded from the legal definition of "contribution." The campaign's receipt of these items is not an in-kind contribution. Candidates and treasurers are encouraged to familiarize themselves with these "exempt" goods and services. They are listed in the Appendix of this Guidebook. Some examples of exempt goods and services are:

- a trade association, commercial business, or labor union may donate office space or office equipment to a campaign, provided that there is no additional cost,
- state, county, and local party committees may spend money to produce a slate card ("party candidate listing") to promote three or more candidates. This exception is not available to caucus committees and other PACs.
- an individual may volunteer his services to a campaign at no charge (including professional services such as legal advice, assistance with databases, and web and graphic design) as long as the individual is not being compensated by an employer for providing the services, and



- each volunteer may pay up to \$100 cumulatively in each election (primary or general) toward the cost of food, beverages, and invitations in the course of volunteering for a campaign (e.g., when volunteering at a house party or a campaign event, a campaign supporter may buy up to \$100 in food).

### Coordinating Expenditures with Third-Parties

Individuals (including friends and family) and organizations have a First Amendment right to spend money to promote the election of a candidate. To avoid making a contribution to the candidate, however, they must make the expenditures independently of the candidate and his or her campaign. The Election Law states that: “Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's political committee or their agents is considered to be a contribution to that candidate.” (21-A M.R.S.A. § 1015(5)) This means that if any person or organization makes an expenditure to support you and has consulted with you on the expenditure, you have accepted a contribution and the contribution limits apply (\$350 per election per contributor).

One exception to this policy is that candidates may coordinate with a state or local party committee on a “slate card” of three or more candidates. Slate cards are excluded from the definition of contribution. Please note that this exception applies to state and local party committees only, and does not apply to caucus committees or other PACs.

Because independent expenditures on communications to voters may cause matching funds to be paid to a candidate's MCEA opponent, some candidates may wish to tell supporters not to make independent expenditures in support of their campaigns. You are allowed to ask third-parties not to spend money in support of your candidacy. Even if the third-party were to spend money subsequently, merely making a request not to make an independent expenditure would not constitute cooperation in the view of the Commission staff.

### Contributions from Married Couples and Domestic Partners

If you receive a contribution in the form of a check listing two spouses or domestic partners, please record the contribution in the name of the individual(s) signing the check, regardless whether both of their names are included in the name of the bank account. If both individuals sign the check (or if one signs the check and the other makes a notation in the memo portion of the check), please allocate the contribution equally between both of them unless you receive something in writing indicating that the contributors prefer a different allocation. In general, if someone signs a check to make a contribution,





and the campaign wishes to allocate a portion of the contribution to a spouse, the Commission staff recommends that the campaign obtain something in writing from the "non-signing" spouse confirming that it was their intent to make part of the contribution. The written statement could be as informal as an e-mail or handwritten note.

### **Commission Review of Contributions**

The Commission reviews contributions disclosed by candidates in campaign finance reports, and sometimes requests additional information when reports are incomplete or a compliance question is raised. In most cases, the information provided by the campaign resolves the issue at the level of the Commission staff, and no further action is necessary. Your prompt responses are appreciated as the Commission staff encourages compliance with reporting requirements and the contribution limitations.

### **Appearing in Advertising Sponsored by Third-Parties**

In 2008, the Commission considered advertising concerning federal issues of public policy in which a candidate for state office appeared. The advertisement portrayed the candidate in a positive light, but did not mention his candidacy. In that instance, the Commission applied the legal definition of "contribution" and determined that the candidate's involvement in the advertisement did not constitute a contribution to the candidate's campaign.

Please be aware, however, that if an individual or organization invites you to appear in a paid advertisement, the value of the advertising could be considered a contribution to your campaign. If the advertisement qualifies as a contribution, you would be required to report receiving the value of the contribution. It would count toward the \$350 contribution limit. Please feel free to contact the Commission staff to receive advice on what factors the Commission might consider in determining whether the advertisement would be a contribution.

### **Contributions for Recounts**

If you are in a recount of an election, you may accept unlimited funds and services from party committees, caucus campaign committees, and from attorneys, consultants, and their firms. All contributions received and expenditures made in connection with a recount must be disclosed in a special financial report due 90 days after the election. The Commission will develop reports each election for this purpose.

**LEGAL REFERENCES**

Definition of Contribution	21-A M.R.S.A. § 1012(2)
Contribution Limits	21-A M.R.S.A. § 1015(1) - (3)
Contributions in the Name of Another	21-A M.R.S.A. §§ 1004(3); 1004-A(3)
Contributions from Lobbyists	1 M.R.S.A. § 1015(3); Rules, Chapter 1, Section 12
Contributions from Affiliated Corporations and Organizations	21-A M.R.S.A. § 1015-A
Earmarked Contributions	21-A M.R.S.A. § 1015(4)
Loans	Rules, Chapter 1, Section 6(2)
Occupation and Employer of Contributor	21-A M.R.S.A. §§ 1016(3)(B); 1017(5)
Required Records for Contributions	21-A M.R.S.A. § 1016
In-Kind Contributions	Rules, Chapter 1, Section 6(4) - (5)
Assistance by Paid Employees	21-A M.R.S.A. §§ 1012(2)(A)(4), (2)(B)(7)(a)
Exempt Goods and Services	21-A M.R.S.A. § 1012(2)(B)
Coordinating Expenditures with Third-Parties	21-A M.R.S.A. § 1015(5)
Recounts of Elections	21-A M.R.S.A. § 1018-B





## CHAPTER 5

### Making Expenditures

#### Definition of Expenditure

The term expenditure means:

*“A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to political office, except that a loan of money to a candidate by a financial institution made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included.” (21-A M.R.S.A. § 1012(3)(A)(1))*

Certain items, activities, and communications are exempt from the definition of expenditure. These exempted items are listed in 21-A M.R.S.A. § 1012(3)(B). (See the Appendix for the definition of “expenditure” and exemptions.)

#### Reporting Expenditures

The Election Law requires that all candidates disclose every expenditure on campaign finance reports submitted to the Commission. It also requires that the date, amount, payee, and the purpose of the expenditure be reported. The “payee” refers to the vendor that provided the goods or services to the campaign. It is not acceptable to report “cash,” “reimbursement,” or the candidate’s name as the payee. The only time that the candidate’s name should appear under “Payee” is when the candidate is receiving a reimbursement for mileage.

#### Making Reimbursements

The Commission recommends paying for all purchases directly from the campaign bank account using a debit card or by writing checks. This will assist the campaign in keeping track of the dates, payees, and



The Commission recommends making as many campaign purchases as possible directly from the campaign bank account by using a debit card or by writing a check. This will simplify record-keeping and accurate reporting.

amounts of its expenditures. Nevertheless, the campaign is allowed to purchase campaign goods and services with the personal funds or credit card of the candidate or a supporter and to reimburse the purchaser. If the campaign makes a reimbursement to the candidate or to a supporter for a purchase, please see pages 15 - 16 on how to correctly report the reimbursement. If the campaign has not reimbursed the purchaser by the end of the report period, the campaign must report the transaction as an unpaid debt on Schedule D (see page 18).

### Unpaid Debts and Obligations

The legal definition of the term campaign expenditure includes making an obligation to a vendor for goods or services ordered. (The definition of expenditure is included in the Appendix.) Chapter 1, Section 7(3) of the Commission's Rules specifies certain actions which constitute making an expenditure — regardless

whether a payment has been made for the good or service. Please see chart at right. Under the Commission's reporting forms, expenditures which have been paid are reported on Schedule B. Obligations which are unpaid at the end of a report period are disclosed on Schedule D. For more information on reporting unpaid obligations, please see page 18.

UNPAID OBLIGATIONS WHICH CONSTITUTE AN EXPENDITURE
The placement of an order for goods or services
A promise or agreement (even an implied one) that payment will be made
The signing of a contract for a good or service
The delivery of a good or service even if payment has not been made

### Sharing Expenditures with Other Candidates

Candidates may share expenses for goods or services, such as joint campaign literature or advertising. To avoid making or receiving an in-kind contribution, each candidate should make a reasonable effort to pay the portion of the overall cost that is proportionate to the benefit received by the candidate.

The Commission staff recommends that all candidates involved in the joint expenditure should clearly disclose in their campaign finance reports that the goods or services have been purchased jointly with other candidates. That reporting will avoid any concern that candidates are using their campaign funds to subsidize other candidates' campaigns. The Commission staff recommends that the "paid for" statement in the communication disclose that it was paid for and authorized by the candidates, even if a



single candidate paid the vendor for the ad or literature.

### **Receiving a Discount from a Vendor**

If the campaign receives goods or services from a vendor at a cost that is less than the usual and customary charge, the campaign has received an in-kind contribution. The value of the contribution is the amount of the discount. The campaign must report the contribution on Schedule A-1 of the campaign finance reports. The contribution is subject to the same \$350 contribution limit as cash contributions.

### **Receiving Credit from a Vendor**

When a commercial vendor extends credit to your campaign, please inquire whether the terms the vendor offered your campaign are substantially similar to extensions of credit made to nonpolitical customers that are of similar risk, and whether the vendor extended the credit in the ordinary course of business. If these conditions are not met, the campaign's receipt of goods and services without payment would constitute an in-kind contribution to your campaign under the Commission's Rules.

When commercial vendors are willing to extend credit to your campaign, please be aware that the receipt of the goods or services without payment could be considered an in-kind contribution under the Commission's Rules.

All forms of contribution are subject to the contribution limit of \$350 per election. Receiving an over-the-limit contribution may subject you or the contributor to a financial penalty of up to the amount by which the \$350 limit has been exceeded.

If your campaign is considering having credit extended by commercial vendors, you may want to plan your fundraising so that these unpaid debts are paid soon after the election. Under the Commission's Rules, the Commission shall presume any debt that remains unpaid more than six months after the election in which the debt was incurred to be a contribution to the candidate, unless the candidate provides clear and convincing evidence to the Commission that the candidate intends to raise funds or take other measures to satisfy the debt. If the debt remains unpaid for four years, the Commission is required by its rules to determine whether the debt is a contribution.

### **General Election Expenditures before the Primary**

Under the Commission's Rules, if a candidate makes an expenditure for consulting services or for campaign literature and advertising before the primary election and more than one-half of that expenditure is for goods or services to be used in the general election, that portion of the expenditure will



be counted as a general election receipt and expenditure for purposes of calculating matching funds for the general election. This rule is designed to discourage candidates from intentionally pre-purchasing general election goods and services before the primary election in order to deny or reduce matching funds to a general election opponent.

Generally, the Commission becomes aware that a pre-primary expenditure is for the general election when the candidate's Maine Clean Election Act (MCEA) opponent files a request for

If any candidate chooses to spend money before the primary election for goods and services for the general election, the candidate should be aware that the expenditure could affect matching funds for the general election.

For example, three weeks before the primary election, candidate Bill James pays his community newspaper \$2,000 for advertising even though he does not have a primary opponent. Based on a request filed by Bill James' opponent (who is MCEA-financed), the Commission staff determines that the expenditure is for one \$500 ad that ran just before the primary election and a \$1,500 ad scheduled to run just before the general election. Because more than one-half of the \$2,000 expenditure was for the general election, the Commission will count the \$1,500 ad as a general election receipt and expenditure when calculating matching funds for the general election.

matching funds based on the pre-primary expenditure. The Commission's Rules require that these requests be made no later than August 30 of the election year.

### Commission's Compliance Procedures

The Commission conducts compliance reviews of all expenditures disclosed by candidates in campaign finance reports, and sometimes requests additional information from candidates and treasurers to verify that reporting is complete and accurate.

LEGAL REFERENCES	
Definition of Expenditure	21-A M.R.S.A. § 1012(3)
Required Reporting of Expenditures, including date, payee, amount, purpose	21-A M.R.S.A. § 1017(5)
Reporting Reimbursements	Rules, Chapter 1, Section 7(5)
Unpaid Debts and Obligations	21-A M.R.S.A. §§ 1012(3)(A)(2), (4) Rules, Chapter 1, Section 7(3)
Purchasing Discounted Goods or Services	Rules, Chapter 1, Section 6(4)
Receiving Credit from a Vendor	Rules, Chapter 1, Section 6(6)
Pre-Primary Expenditures for General Election	Rules, Chapter 1, Section 7(4); Chapter 3, Section 5(4)



## CHAPTER 6

### Running Against a Maine Clean Election Act Candidate

If you are a traditionally financed legislative candidate running against a Maine Clean Election Act (MCEA) candidate in a primary or general election, your campaign could be impacted in two ways:

- If your total receipts for that election — or total expenditures plus obligations — exceed the applicable trigger amount, your campaign will be required to file trigger and accelerated reports which state your total receipts and expenditures to date for the election.
- Your MCEA opponent may be entitled to receive additional public campaign funding (“matching funds”) for the election, based in part on your financial activity (contributions and expenditures).

Your opponent will receive an initial payment for the election. He or she may also be entitled to receive matching funds for the election, which are designed to keep an MCEA candidate on equal financial footing with his or her opponents. The primary and general elections are calculated separately. So, a candidate’s financial activity during the primary election period does not count for purposes of calculating matching funds for the general election, with a couple of exceptions explained below. The calculation of matching funds is based on a comparison of the total financial activity by each candidate in the race, along with independent expenditures by third-party organizations such as political action committees and the political parties. This chapter is intended to explain the trigger and accelerated reporting requirements and to provide an overview of how matching funds would be calculated in your race.

#### Trigger Report

Traditionally financed candidates with an MCEA opponent in a primary or general election may be required to file a Trigger Report and Accelerated Reports. These reports are established in the Election Law so that the Commission may determine whether the MCEA opponent is entitled to receive any matching funds. The report form is largely the same for both the Trigger Report and the Accelerated





Reports. The reports must be filed on paper forms, and may not be filed electronically. The Trigger Report forms for the 2010 primary and general elections are included in the Appendix.

TRIGGER AMOUNTS FOR 2010 ELECTIONS		
Office	Election	Trigger Amounts
House	Primary	\$1,504
	General	\$4,144
Senate	Primary	\$7,746
	General	\$19,078

A candidate must file a Trigger Report if he or she:

- is not participating in the Maine Clean Election Act,
- has an MCEA opponent in an election (primary or general), and
- the candidate's total receipts for the election — or total expenditures — exceed the initial amount of public funds paid to the MCEA opponent for that election (the "trigger amounts," as shown in the table at left).

The Trigger Report is not a full, itemized report of every contribution and expenditure. Rather, it is a summary report that states the campaign's total receipts, and total expenditures and obligations, for the election to date.

**Tracking Total Receipts.** Campaign treasurers for a traditionally financed candidate with an MCEA opponent in an election (primary or general) must keep track of the campaign's total receipts for the election to determine whether they exceed the applicable trigger amount. If the campaign's total receipts exceed the trigger amount, the campaign must file the Trigger Report within 48 hours of when the total receipts exceed the trigger amount (including on a weekend or holiday). Total receipts include all money received (contributions, loans, and any other cash receipts such as bank interest) plus in-kind contributions. For the general election, the total receipts also include money unspent on the day of the primary election. Please see the Trigger Report forms in the Appendix to view the precise calculation.

**Tracking Total Expenditures.** Campaign treasurers must also keep track of the campaign's total expenditures (including obligations and in-kind contributions) to determine whether the total has exceeded the trigger amount. Total expenditures include the total of all expenditures made for the election, all unpaid obligations entered into for the election, and all in-kind contributions received for the election. If the campaign's total expenditures exceed

UNPAID OBLIGATIONS WHICH MUST BE COUNTED FOR THE TRIGGER REPORT
The placement of an order for goods or services
A promise or agreement (even an implied one) that payment will be made
The signing of a contract for a good or service
The delivery of a good or service even if payment has not been made



the trigger amount, the campaign must file the Trigger Report within 48 hours (including on a weekend or holiday).

In past elections, some traditionally financed candidates have filed their trigger reports late because they did not include their obligations in the total expenditures. Chapter 1, Section 7(3) of the Commission's Rules specifies certain actions which constitute making a reportable obligation. Please see the chart on the previous page. For example, if a candidate has a preliminary conversation with a vendor about services that might be purchased, that is not an obligation. If the candidate orders the goods from the vendor, the order does constitute an obligation which must be counted toward total expenditures in the Trigger Report.

### Accelerated Reports

All traditionally financed candidates with an MCEA opponent who were required to file a Trigger Report must also file "Accelerated Reports." The only Accelerated Reports required to be filed are those with deadlines occurring after the date that the Trigger Report was filed. When a treasurer files a Trigger Report, the Commission will contact the treasurer and notify the campaign of the subsequent Accelerated Report deadlines (shown below).

Accelerated Reports disclose the campaign's total campaign contributions, expenditures, and obligations for the election as of two days before the filing deadline. The types of information that must be disclosed in an Accelerated Report are the same as for the Trigger Report. The Accelerated Report forms and instructions are posted on the Commission's website. Accelerated Reports must be filed no later than

2010 ACCELERATED REPORTING DEADLINES		
Primary Reports	Filing Deadline by 5:00 p.m.	Report Period: From the beginning of the campaign
42-Day Pre-Primary	April 27, 2010	Through April 25, 2010
18-Day Pre-Primary	May 21, 2010	Through May 19, 2010
6-Day Pre-Primary	June 2, 2010	Through May 31, 2010
General Reports	Filing Deadline by 5:00 p.m.	Report Period: From June 9, 2010
18-Day Pre-General	October 15, 2010	Through October 13, 2010
6-Day Pre-General	October 27, 2010	Through October 25, 2010
If you file a Trigger Report, the Commission staff will notify you of any Accelerated Reports your campaign must file.		



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5:00 p.m. on the day of the deadline (rather than by 11:59 p.m., which applies to reports that are filed electronically).

### **How to File the Trigger Report and Accelerated Reports**

If required, the Trigger and Accelerated Reports must be filed on paper forms. The Trigger Report must be filed within 48 hours of when the candidate's total receipts or expenditures exceed the trigger amount. The Accelerated Reports must be received by the Commission no later than 5:00 p.m. on the day of the deadline. Most treasurers fax a completed and signed report to the Commission at (207) 287-6775 and mail the original report so that the original is received by the Commission within five days of the faxed copy. The time stamp from the Commission's fax machine will be deemed the time on which the report was filed.

If a candidate exceeds the Trigger Amount on a Thursday or a Friday, the candidate is required to file the Trigger Report within 48 hours on the following Saturday or Sunday. The candidate may not wait until the next business day. The deadlines for the Accelerated Reports are regular business days.

### **Penalties for Late Filing**

It is especially important that candidates file the Trigger and Accelerated Reports on time, because late filing could delay the opponent's receipt of public campaign funds to which the opponent is legally entitled. If a candidate files a Trigger or Accelerated Report late, the late filing initiates a penalty process. The Commission staff will send to the candidate the amount of a preliminary penalty, and the candidate may pay the penalty or ask for a waiver.

### **Calculation of Matching Funds**

Your opponent may be entitled to receive matching funds based in part on your campaign activity. In case you are interested in how those funds are calculated, the following pages of this chapter are intended as an overview. The full formula for calculating matching funds is in Chapter 3, Section 5(3) of the Commission's Rules. For more information on the exact calculation, please refer to the Commission's Rules or contact the Commission staff.

Matching funds are calculated by comparing the total amount received or spent (whichever is greater) by each candidate in the race, along with independent expenditures by third-party organizations such as political action committees and party committees. If the total funding for an MCEA candidate is less than the total for the candidate's opponent, the MCEA candidate receives matching funds to keep his or her



funding on the same level as the opponent. The maximum matching funds which an MCEA candidate may receive is twice the amount of the initial distribution of MCEA funds.

Independent expenditures are communications to voters (e.g., advertisements or mailings) which expressly advocate for the election or defeat of a candidate. In the last 21 days before a primary election and the last 35 days before a general election, some communications which mention candidates are presumed to be independent expenditures even if they do not expressly advocate for or against a candidate. For purposes of calculating matching funds in a race, independent expenditures in support of a candidate increase the candidate's total, and independent expenditures against the candidate decrease that candidate's total. Please see calculations and examples on the following pages.

### Unspent Primary Election Funds

If you are running against an MCEA candidate in the general election, you should be aware that unspent campaign funds left over as of the date of the primary election count as a receipt for the general election. All your receipts for the general election, including your campaign balance on the day of the primary election, will be considered in determining whether your MCEA opponent is eligible for matching funds in the general election.

### Spending Funds Before the Primary Election for Goods and Services for the General Election

As noted on pages 31 - 32, if a candidate makes an expenditure for consulting services or for campaign literature and advertising before the primary election and more than one-half of that expenditure is for goods or services to be used in the general election, that portion of the expenditure will be counted as a general election receipt and expenditure for purposes of calculating matching funds for the general election. Please see the discussion on page 31 - 32 and call the Commission staff if you have any questions.

#### LEGAL REFERENCES

Trigger and Accelerated Reports	21-A M.R.S.A. § 1017(3-B)
Matching Funds	21-A M.R.S.A. § 1125(9); Rules, Chapter 3, Section 5(3)
Unspent Primary Election Funds, Matching Funds Calculation	Rules, Chapter 3, Section 5(3)(C)



**MATCHING FUNDS FORMULAS AND CALCULATION EXAMPLES FOR PRIMARY AND GENERAL ELECTIONS:**  
**TWO WAY RACE (MCEA VS. TRADITIONALLY FINANCED)**

**Primary Election Matching Funds Formula**

The formula for calculating matching funds in a two way race when one candidate is MCEA-funded and the opponent is traditionally financed is shown below. In this formula, the amount of seed money raised by the MCEA candidate is used in the calculation.

FORMULA FOR CALCULATING MATCHING FUNDS IN A <u>PRIMARY ELECTION</u> TWO WAY RACE: ONE MCEA CANDIDATE AND ONE TRADITIONALLY FINANCED CANDIDATE		
Your opponent's amount (MCEA Candidate)	compared to	Your amount (Traditionally Financed Candidate)
Amount of seed money raised		Receipts or expenditures (whichever is greater) for the primary election
plus		
MCEA funds received for the primary election		plus
plus		
Independent expenditures made to support your opponent minus independent expenditures made to oppose your opponent		Independent expenditures made to support you minus independent expenditures made to oppose you

**Primary Election Matching Funds Example**

The example below shows how matching funds are calculated in a two way race when one candidate is MCEA-funded and the opponent is traditionally financed. In this calculation, the seed money raised by the MCEA candidate is used.

PRIMARY ELECTION MATCHING FUNDS:				
EXAMPLE OF TWO WAY RACE: MCEA CANDIDATE FOR REPRESENTATIVE WITH TRADITIONALLY FINANCED OPPONENT				
MCEA Candidate			Traditionally Financed Candidate	
Amount of seed money raised	\$500	compared to	\$1,900	Receipts or expenditures (whichever is greater) for the primary election
plus				
Primary election MCEA payment	\$1,504			
Sub-total	\$2,004			
plus				
Independent expenditures (IEs) in support	\$300			
Total	\$2,304			
Matching funds authorized	\$96	Even though the total amount of IEs spent in support of the traditionally financed candidate is \$200 more than the total in support of the MCEA candidate, only \$96 in matching funds is authorized due to other factors.		


**MATCHING FUNDS FORMULAS AND CALCULATION EXAMPLES FOR PRIMARY AND GENERAL ELECTIONS**
**TWO WAY RACE: MCEA VS. TRADITIONALLY FINANCED (CONTINUED)**
**General Election Matching Funds Formula**

The formula for calculating matching funds in a two way race when one candidate is MCEA-funded and the opponent is traditionally financed is shown below. In this formula, the cash balance on the day of the primary is used in the calculation.

FORMULA FOR CALCULATING MATCHING FUNDS IN A <u>GENERAL ELECTION</u> TWO WAY RACE: ONE MCEA CANDIDATE AND ONE TRADITIONALLY FINANCED CANDIDATE		
Your opponent's amount (MCEA Candidate)	compared to	Your amount (Traditionally Financed Candidate)
Campaign balance on the day of the primary election		Campaign balance on the day of the primary election
plus		plus
MCEA funds received for the general election		Receipts or expenditures (whichever is greater) for the general election
plus		plus
Independent expenditures made to support your opponent minus independent expenditures made to oppose your opponent		Independent expenditures made to support you minus independent expenditures made to oppose you

**General Election Matching Funds Example**

The example below shows how matching funds are calculated in a two way race when one candidate is MCEA-funded and the opponent is traditionally financed. In this calculation, the cash balance on the day of the primary is used.

GENERAL ELECTION MATCHING FUNDS: EXAMPLE OF TWO WAY RACE: MCEA CANDIDATE FOR REPRESENTATIVE WITH TRADITIONALLY FINANCED OPPONENT				
MCEA Candidate		compared to	Traditionally Financed Candidate	
Campaign balance on day of primary election	\$500		\$100	Campaign balance on day of primary election
plus			plus	
General election MCEA payment	\$4,144		\$4,100	Receipts or expenditures (whichever is greater for the general election)
Total	\$4,644		\$4,200	Total
Plus independent expenditures (in support)	\$200		\$300	Plus independent expenditures (in support)
Total	\$4,844		\$4,500	Total
Matching funds authorized	\$0.00		n/a	Because the cash balance on the day of the primary is used in the calculation, no matching funds are awarded even though the IEs supporting the traditionally financed candidate are \$100 greater.



**MATCHING FUNDS FORMULA AND CALCULATION EXAMPLE FOR PRIMARY ELECTION:  
THREE WAY RACE (MCEA VS. TRADITIONALLY FINANCED)**

**FORMULA FOR CALCULATING PRIMARY ELECTION MATCHING FUNDS IN A THREE WAY RACE:  
TWO MCEA CANDIDATES AND A TRADITIONALLY FINANCED CANDIDATE**

Your opponent's amount (MCEA Candidate A)	compared to	Your opponent's amount (MCEA Candidate B)	Your amount (Traditionally Financed Candidate C)
Amount of seed money raised		Amount of seed money raised	Receipts or expenditures (whichever is greater) for the primary election
plus		plus	
MCEA funds received for the primary election		MCEA funds received for the primary election	
plus		plus	plus
Independent expenditures made to support Candidate A minus independent expenditures made to oppose Candidate A		Independent expenditures made to support Candidate B minus independent expenditures made to oppose Candidate B	Independent expenditures made to support you minus independent expenditures made to oppose you

**EXAMPLE OF A THREE WAY RACE - TWO MCEA CANDIDATES AND ONE TRADITIONALLY FINANCED CANDIDATE  
NOTE: TOTAL FOR MCEA CANDIDATE B IS HIGHEST BEFORE AWARD OF MATCHING FUNDS**

MCEA Candidate A			Opponent MCEA Candidate B		Opponent Traditionally Financed Candidate C	
Seed money raised	\$500		\$200	Seed money raised		
Seed money amounts are only used to determine whether the MCEA candidate totals are less than the traditionally financed totals. Seed money amounts are not used in the calculation between two MCEA candidates.						
MCEA payments made for primary election	\$1,504	Compared to	\$1,504	MCEA payments made for primary election	\$1,000	Receipts or expenditures (whichever is greater) for the primary election
plus			plus		plus	
	n/a		\$300	First independent expenditure (IE) made in race - supporting Candidate B	n/a	Independent expenditure
Total	\$1,504		\$1,804	Total	\$1,000	Total
Matching Funds Awarded	\$300		\$0	Matching Funds Awarded	n/a	Under the Commission’s Rules, since the candidate with the highest total is MCEA Candidate B, the seed money collected by Candidates A and B is <u>not</u> counted when awarding matching funds to Candidate A to equalize with Candidate B.
After matching funds awarded	\$1,804		\$1,804	MCEA candidate funding is equal.	\$1,000	



**MATCHING FUNDS FORMULAS AND CALCULATION EXAMPLES (ON NEXT PAGE) FOR GENERAL ELECTION:  
THREE WAY RACE (MCEA VS. TRADITIONALLY FINANCED)**

**FORMULA FOR CALCULATING GENERAL ELECTION MATCHING FUNDS IN A THREE WAY RACE:  
TWO MCEA CANDIDATES AND A TRADITIONALLY FINANCED CANDIDATE**

<b>Your opponent's amount (MCEA Candidate A)</b>	<b>compared to</b>	<b>Your opponent's amount (MCEA Candidate B)</b>	<b>Your amount (Traditionally Financed Candidate C)</b>
Campaign balance on day of primary election		Campaign balance on day of primary election	Campaign balance on day of primary election
plus		plus	plus
MCEA funds received for the general election		MCEA funds received for the general election	Receipts or expenditures (whichever is greater) for the general election
plus		plus	plus
Independent expenditures made to support Candidate A minus independent expenditures made to oppose Candidate A		Independent expenditures made to support Candidate B minus independent expenditures made to oppose Candidate B	Independent expenditures made to support you minus independent expenditures made to oppose you

Please see next page for calculation example.





### EXAMPLE OF A THREE WAY RACE WITH ONE TRADITIONALLY FINANCED OPPONENT

(NOTE: TRADITIONALLY FINANCED CANDIDATE'S TOTAL IS GREATER THAN BOTH MCEA CANDIDATES' TOTALS)

MCEA Candidate A		MCEA Candidate B		Traditionally Financed Candidate C	
Campaign balance on day of primary	\$200	\$100	Campaign balance on day of primary	\$900	Campaign balance on day of primary (this amount is added to receipts)
plus		plus		plus	
Total MCEA payments received for general election	\$4,144	\$4,144	Total MCEA payments received for general election	[\$4,000 in receipts + \$900 balance on primary equals] <b>\$4,900</b> [which is greater than total expenditures of \$3,000]	Total receipts (includes cash balance on day of primary plus cash, in-kind and loans) or Total expenditures (whichever is greater)
Totals	\$4,344	\$4,244		\$4,900	

#### Trigger Report filed by traditionally financed candidate results in matching funds for MCEA candidates.

Matching Funds Awarded	<b>\$556</b> (\$4,900 - \$4,344)	<b>\$656</b> (\$4,900 - \$4,244)	In this example, because the totals for MCEA Candidates A and B are less than traditionally financed Candidate C, each candidate's balance on the day of the primary election <u>is</u> used in the calculation and results in different matching fund authorizations.		
<b>New Totals</b>	<b>\$4,900</b>	<b>\$4,900</b>		<b>\$4,900</b>	
Next, an IE is filed in support of Candidate A	\$100	n/a		n/a	
Matching Funds Awarded	<b>\$0.00</b>	<b>\$100</b>		n/a	
Total (after award of matching funds)	<b>\$5,000</b>	<b>\$5,000</b>		<b>\$4,900</b>	Candidate C may now raise and spend up to \$5,000 without triggering matching funds. Before the IE was filed the amount was \$4,900.



## CHAPTER 7

### Disclosure on Campaign Communications

#### Disclosure on Campaign Communications

Whenever a candidate, or the candidate's authorized political committee or agents, authorize a communication expressly advocating the election or defeat of the candidate through broadcasting stations, newspapers, magazines, campaign signs or outdoor advertising facilities, publicly accessible websites, direct mail or other similar types of general public political advertising, or through flyers, handbills, bumper stickers, and other non-periodical publications, the communication must clearly and conspicuously state that the communication has been so authorized. The communication must also clearly state the name of the person who made or financed the expenditure for the communication. Due to a 2009 change in the Election Law, if the communication has been financed by the candidate or the candidate's committee, the communication is no longer required to include the address of the person who made or financed the communication. If financed by others, the communication must include the address of the person.

In addition, these requirements apply to any communication that names or depicts a clearly identified candidate and that is disseminated to voters in the last 21 days before the primary election or in the last 35 days before the general election.

The following are examples of suitable attribution statements for political communications based on the party who made the expenditure for the communication:

#### *Expenditure Made by the Candidate (address not required):*

- Paid for and authorized by John Smith
- Paid for and authorized by the candidate (where the candidate's full name is clearly stated in the communication)





*Expenditure Made by the Candidate's Committee (address not required):*

- Authorized by the Candidate and paid for by the Committee to Elect John Smith

<b>SMITH</b>
<b>FOR SENATE</b>
Authorized by the Candidate and Paid for by the Committee to Elect John Smith

*Expenditure Made by a Candidate's Agent (address not required):*

- Authorized by the Candidate and paid for by Ruth Clark, Treasurer
- Authorized by the Candidate and paid for by Peter Brown, Chair of the Committee to Elect John Smith

<b>SMITH</b>
<b>FOR SENATE</b>
Authorized by the Candidate and Paid for by Ruth Clark, Treasurer

*Expenditure Made by Others Who Are Not Associated with the Campaign (address is required):*

- Authorized by Candidate John Smith and paid for by Sam White, 5 Oak Street, Pinetree City

<b>SMITH</b>
<b>FOR SENATE</b>
Authorized by the Candidate John Smith and Paid for by Sam White, 5 Oak Street, Pinetree City

Please remember that a communication authorized by the candidate and paid by a third party who is not associated with the campaign must be reported either as an in-kind contribution (contribution limit applies) or as an expenditure (third party must be reimbursed).

### **Communications Exempt from Disclosure**

Certain items are exempt from the disclosure requirement because of their small size: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, and tickets to fund-raisers. The Commission may exempt similar items if it determines those items are too small and it would be unnecessary to include the required disclosure. If you have any questions as to whether an item is required to have a disclosure statement, please call the Commission at (207) 287-4179.



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### **Signs That Are Lettered or Printed by Hand**

A sign that is lettered or printed individually by hand, that has been authorized by the candidate, and that clearly identifies the name of the candidate is not required to include the name or the address of the person who made or financed the expenditure for the sign. The sign is required to include a statement that the sign has been authorized by the candidate (or by his or her committee or agents).

### **Automated Telephone Calls**

Prerecorded automated telephone calls and scripted live telephone calls that name a clearly identified candidate during the 21 days before a primary election or 35 days before a general election must include the name of the person who made or financed the communication, except that the disclosure is not required for prerecorded automated calls that are paid for by the candidate and that use the candidate's voice.

### **Communications Not Authorized by the Candidate**

Similar requirements apply to communications that are paid for by third-parties, such as political action committees and party committees, and that are not authorized by the candidates. Those communications must disclose the person who made or financed the expenditure for the communication and that the communication was not authorized by the candidate or campaign.

### **Constituent Mailings**

Constituent newsletters, sent by incumbent Legislators, are used to inform the voters in their district of the work accomplished during the most recent legislative session. Prior to mailing, these newsletters are reviewed by legislative officers (Clerk of the House or Secretary of the Senate) to verify that they do not advocate for the election or defeat of any candidate. The purpose of these mailings is a factual account of the session and are not to be used for campaign purposes. Thus, a disclosure statement is not required.

### **Requirements for Broadcasters (TV and Radio) and Newspapers**

Broadcasting stations and newspapers in Maine may not broadcast or print communications that lack the required information about the sponsor of the communications and whether the communication was authorized by the candidate.



## Enforcement

If the Commission receives a complaint about communications that do not contain the required disclosure, the Commission will request that the disclosure be added to the communication. The person who financed the communication has ten days to correct the violation after being notified by the Commission. A communication or expenditure that results in a violation of the requirements may result in a penalty of up to \$200.

## Placement of Political Signs

The Commission has no jurisdiction over where candidates place roadside signs. Guidance from the Maine Department of Transportation is included in the Appendix.

## Unauthorized Removal of Campaign Signs from Public Roadways

The unauthorized removal or destruction of political signs is a civil violation under Maine law (Title 23, Section 1917-A), and may carry a fine of up to \$250. Specifically, the law states that “a person who takes, defaces or disturbs a lawfully placed sign bearing political messages relating to a general election, primary election or referendum commits a civil violation for which a forfeiture of up to \$250 may be adjudged.”

The law does not apply to a person authorized by a candidate or political committee to remove signs placed by or at the direction of that candidate or political committee. It also does not apply to the landowner, or agent of the landowner, on whose property a sign has been placed.

A candidate or candidate’s committee would file a complaint with the local police and /or the District Attorney’s office for appropriate action.

### LEGAL REFERENCES

Required Disclosure on Candidate Communications	21-A M.R.S.A. § 1014(1), (2-A)
Exempted Communications	21-A M.R.S.A. § 1014(1)
Automated Telephone Calls	21-A M.R.S.A. § 1014(5)
Required Disclosure on Third-Party Communications	21-A M.R.S.A. § 1014(2), (2-A)
Broadcasters and Newspapers	21-A M.R.S.A. § 1014(3), (3-B)
Enforcement	21-A M.R.S.A. § 1014(4)



## CHAPTER 8

### Post-Election Responsibilities for Traditionally Financed Candidates

#### Notify Commission of Changes of Address and Phone Number

During and after the campaign, it is important for candidates and treasurers to notify the Commission directly when their address and/or telephone number changes. If the Commission is not notified, the candidate may miss important notices and filing reminders. It is also important for the staff to know how to contact candidates as it conducts its review of campaign finance reports.

#### 42-Day Post-Election Campaign Finance Report

All candidates in an election must file a report 42 days after the last election for the cycle in which they were a candidate. If the candidate does not have unspent cash, or unpaid loans or debts of more than \$100, this will be the candidate's last campaign finance report for the election cycle. For candidates in the 2010 general election, this report will be due December 14, 2010.

#### Disposing of Surplus Cash After the Election

After an election campaign, a candidate may be left with unspent campaign funds. Surplus cash greater than \$100 may not be converted to the candidate's personal use. A candidate must dispose of surplus cash greater than \$100 within four years of the election for which the funds were received. Under 21-A M.R.S.A. § 1017(8), a candidate may dispose of surplus cash greater than \$100 only by:

- returning contributions to the candidate's contributors, as long as no contributor receives more than the amount contributed;
- making a gift to a qualified political party within Maine, including any county or municipal subdivision of such a party;
- making an unrestricted gift to the State;



- carrying forward the funds to a political committee established to promote the same candidate for a subsequent election;
- carrying forward the surplus balance for use by the candidate for a subsequent election;
- transferring the surplus balance to one or more other registered candidates or to the political committees established to promote the election of those candidates, provided that the amount transferred does not exceed contribution limits;
- repaying any loans or retiring any other debts incurred to defray campaign expenses of the candidate;
- paying for any expense incurred in the proper performance of the office to which the candidate is elected, as long as each expenditure is itemized on expenditure reports; and
- making a gift to a charitable or educational organization that is not prohibited, for tax reasons, from receiving such a gift.

The Commission's flier on disposing of surplus cash is included in the Appendix.

### **Disposing of Loans**

If your campaign has received a loan with an unpaid balance of more than \$100 and you want to close out your campaign with the filing of the 42-Day Post-Election Report:

- You may use campaign funds to reduce the outstanding loan balance to \$100 or less.
- You may ask the lender to forgive the outstanding loan balance. Once you enter the loan balance as forgiven in the Commission's e-filing system, the forgiven loan amount will appear as a cash contribution from the lender on Schedule A of your campaign finance report. If the campaign files reports on paper, it must enter the forgiven amount as a cash contribution on Schedule A.

Candidates who have made loans to their campaigns may wish to forgive the unpaid amounts rather than be responsible for filing semiannual reports (see section on next page).

### **Disposing of Unpaid Debts and Obligations**

If your campaign has an unpaid debt of more than \$100, you may dispose of the debt by:

- using campaign funds to pay the debt. You are permitted to raise funds after the election for the purpose of paying off debts;



- using your personal funds to pay the person to whom the debt is owed (“the creditor”). Please report your payment of personal funds to the creditor as an in-kind contribution from you on Schedule A-1; or

There is no limit in Maine Election Law on the amount of funds that you, your spouse or domestic partner can contribute to your campaign. You may pay off all unpaid debts with your personal funds.

- asking the creditor to forgive the unpaid debt or obligation. If the campaign’s debt is owed to you, or your spouse or domestic partner, an unlimited amount may be forgiven. If the debt is owed to anyone else (*e.g.*, a vendor, or a campaign supporter who has not been reimbursed for a purchase), the maximum the creditor may forgive is \$350 per election. If the creditor forgives the unpaid debt, please report the receipt of the goods or services without payment as an in-kind contribution from the creditor on Schedule A-1.

Under the Commission’s Rules, the Commission shall presume that any debt that remains unpaid more than six months after the election in which the debt was incurred to be a contribution to the candidate, unless the candidate provides clear and convincing evidence to the Commission that he or she intends to raise funds or take other measures to satisfy the debt. If the debt remains unpaid for four years, the Commission is required by its rules to determine whether the debt is a contribution.

### **Semiannual Reports**

Candidates with surplus cash, a loan, or an unpaid debt of more than \$100 as of the 42-Day Post-Election Report must continue to file campaign finance reports (“semiannual reports”) every January 15th and July 15th until the candidate has disclosed how the cash, loan, or debt has been disposed of. For unsuccessful candidates in the 2010 primary election who must file these reports, the first report will be due Tuesday, January 18, 2011 (after the observance of Martin Luther King Day). For 2010 general election candidates with cash, loans, or debt over \$100, the first semiannual report will be due July 15, 2011.

### **Statement of Sources of Income**

Legislative candidates who win the general election are required to file a Statement of Sources of Income for the election year by February 15 of the first term of the Legislature. The statement includes the sources of the income which the Legislator received as a candidate during the election year from employment, self-employment, gifts, and other sources. The forms are provided to Legislators shortly after the New Year.





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#### LEGAL REFERENCES

Change of Address or Telephone Number	21-A M.R.S.A. § 1013-A(5)
Disposing of Surplus Cash After an Election	21-A M.R.S.A. § 1017(8)
Semiannual Reports	21-A M.R.S.A. § 1017(2)(F)
Statement of Sources of Income	1 M.R.S.A. § 1016-A



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## DEFINITION OF CONTRIBUTION AND EXPENDITURE

### (21-A M.R.S.A. §§ 1012(2) AND (3))

#### **2. Contribution.** The term "contribution:"

##### A. Includes:

- (1) A gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office or for the purpose of liquidating any campaign deficit of a candidate, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;
- (2) A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;
- (3) Funds received by a candidate or a political committee that are transferred to the candidate or committee from another political committee or other source; and
- (4) The payment, by any person other than a candidate or a political committee, of compensation for the personal services of other persons that are provided to the candidate or political committee without charge for any such purpose; and

##### B. Does not include:

- (1) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;
- (2) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the individual on behalf of any candidate does not exceed \$100 with respect to any election;
- (3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if the charge to the candidate is at least equal to the cost of the food or beverages to the vendor and if the cumulative value of the food or beverages does not exceed \$100 with respect to any election;
- (4) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 with respect to any election;

### DEFINITION OF CONTRIBUTION AND EXPENDITURE (continued)

- (4-A) Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;
- (5) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;
- (6) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created, obtained or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;
- (7) Compensation paid by a state party committee to its employees for the following purposes:
  - (a) Providing no more than a total of 40 hours of assistance from its employees to a candidate in any election;
  - (b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or
  - (c) Coordinating campaign events involving 3 or more candidates;
- (8) Campaign training sessions provided to 3 or more candidates;
- (8-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;
- (8-B) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes;
- (8-C) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election;
- (9) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider; or
- (10) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate.

### **3. Expenditure.** The term "expenditure:"

#### A. Includes:

- (1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to political office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

## DEFINITION OF CONTRIBUTION AND EXPENDITURE (continued)

- (2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;
- (3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and
- (4) A payment or promise of payment to a person contracted with for the purpose of supporting or opposing any candidate, campaign, political committee, political action committee, political party, referendum or initiated petition or circulating an initiated petition; and

### B. Does not include:

- (1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication, unless the facilities are owned or controlled by any political party, political committee, candidate, or candidate's immediate family;
- (1-A) Any communication distributed through a public access television station if the communication complies with the laws and rules governing the station and all candidates in the race have an equal opportunity to promote their candidacies through the station;
- (2) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate;
- (3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;
- (4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities does not exceed \$100 with respect to any election;
- (5) Any unreimbursed travel expenses incurred and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 with respect to any election;
- (5-A) Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;
- (6) Any communication by any person that is not made for the purpose of influencing the nomination for election, or election, of any person to state or county office;

**DEFINITION OF CONTRIBUTION AND EXPENDITURE (continued)**

- (7) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;
- (8) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election campaign;
- (9) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;
- (10) Compensation paid by a state party committee to its employees for the following purposes:
  - (a) Providing no more than a total of 40 hours of assistance from its employees to a candidate in any election;
  - (b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or
  - (c) Coordinating campaign events involving 3 or more candidates;
- (10-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;
- (11) Campaign training sessions provided to 3 or more candidates;
- (11-A) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes; or
- (12) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider.



## DISPOSITION OF SURPLUS FUNDS

### 21-A M.R.S.A. § 1017(8)

**Disposition of surplus.** A treasurer of a candidate registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355 must dispose of a surplus exceeding \$100 within 4 years of the election for which the contributions were received by:

- A. Returning contributions to the candidate's or candidate's authorized political committee's contributors, as long as no contributor receives more than the amount contributed;
- B. A gift to a qualified political party within the State, including any county or municipal subdivision of such a party;
- C. An unrestricted gift to the State. A candidate for municipal office may dispose of a surplus by making a restricted or unrestricted gift to the municipality;
- D. Carrying forward the surplus balance to a political committee established to promote the same candidate for a subsequent election;
- D-1. Carrying forward the surplus balance for use by the candidate for a subsequent election;
- E. Transferring the surplus balance to one or more other candidates registered under section 1013-A or qualified under sections 335 and 336 or sections 354 and 355, or to political committees established to promote the election of those candidates, provided that the amount transferred does not exceed the contribution limits established by section 1015;
- F. Repaying any loans or retiring any other debts incurred to defray campaign expenses of the candidate;
- G. Paying for any expense incurred in the proper performance of the office to which the candidate is elected, as long as each expenditure is itemized on expenditure reports; and
- H. A gift to a charitable or educational organization that is not prohibited, for tax reasons, from receiving such a gift.

The choice must be made by the candidate for whose benefit the contributions were made.

(Current as of 09/2007)







## 2010 TRIGGER REPORT - PRIMARY ELECTION

### For Legislative Candidates

- Traditionally financed legislative candidates with a publicly funded opponent are required to file a Trigger Report when the total of all receipts or the total of all expenditures, which ever is greater, exceeds the trigger amount of:  
**\$1,504 for a House candidate and \$7,746 for a Senate candidate.**
- When you file a Trigger Report, the Commission staff will notify you of additional accelerated reports your campaign is required to file.
- The summary information contained in this report must be itemized in the appropriate regular campaign finance report (*i.e.*, 11-Day Pre-Primary or 42-Day Post-Primary).
- For more detailed instructions, please see the next page.

#### CANDIDATE INFORMATION

Name of candidate	Telephone number
Mailing address	Office sought
City, zip code	District number
Name(s) of publicly funded opponents(s)	

#### TOTAL RECEIPTS FOR THE PRIMARY ELECTION (from the beginning of the campaign)

Total cash contributions:	
Total in-kind contributions:	
Total loans:	
Total bank interest:	
TOTAL ALL RECEIPTS:	

#### TOTAL EXPENDITURES FOR THE PRIMARY ELECTION (from the beginning of the campaign)

Total expenditures:	
Total unpaid debts and obligations:	
Total in-kind contributions:	
TOTAL ALL EXPENDITURES:	

#### SIGNATURE AND DATE

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

\_\_\_\_\_  
Signature of candidate or treasurer

\_\_\_\_\_  
Date

UNSWORN FALSIFICATION IS A CLASS D CRIME (17-A M.R.S.A. § 453).

## INSTRUCTIONS FOR FILING A TRIGGER REPORT FOR THE 2010 PRIMARY ELECTION

**When to file.** If you receive, or spend and obligate, more than your publicly funded opponent's initial distribution ("trigger amount") for the primary election, you must file a Trigger Report within 48 hours of going over this amount. The trigger amount for the 2010 primary election is:

**\$1,504 for a House candidate or \$7,746 for a Senate candidate.**

In calculating your total receipts, remember to include all cash contributions received for the primary election, all loans, and all in-kind contributions that you have received since the beginning of your campaign. Do not include any cash contributions that you received for the general election (these must be kept in a separate account). Your total expenditures must include all actual expenditures made, obligations and debts incurred, and in-kind contributions received since the beginning of your campaign. Compare your total receipts (cash + in-kind contributions + loans) and your total expenditures (expenditures + obligations and debts + in-kind contributions). Take the greater of the two and see whether it is more than the trigger amount.

**Please keep in mind that an expenditure is not just a payment to a vendor:**

**What is an expenditure?**

- any obligation to pay for a good or service
- the placement of an order for goods and services
- a promise or agreement (even an implied one) that payment will be made
- the signing of a contract for a good or service
- the delivery of a good or service even if payment has not been made
- the payment for a good or service

**When is an expenditure made?**

The earliest of the following events:

- the placement of an order for a good or service
- a promise or an agreement to pay
- the signing of a contract for a good or service
- the delivery of a good or service
- the making of a payment for a good or service

**How to file.** The trigger (and accelerated reports) must be filed on paper, not electronically. You can fax the signed and completed form to the Commission at 287-6775 as long as the signed original report is received by the Commission within five (5) days. If a report is due on a weekend or holiday, you must file it when it becomes due by faxing it to the Commission. You cannot wait until the next business day.

**Additional reports required.** After filing a Trigger Report, you are required to file "accelerated" reports. The only accelerated reports required are those with deadlines occurring after the date that the Trigger Report was filed (see table below). The Commission will notify your campaign of the required accelerated reports.

**Accelerated Report Schedule for 2010 Primary Election  
(only for legislative candidates who filed a Trigger Report)**

Type of Report	Filing Deadline: By 5:00 p.m. on	Reporting Period: June 10, 2008
42-Day Pre-Primary	April 27, 2010	Through April 25, 2010
18-Day Pre-Primary	May 21, 2010	Through May 19, 2010
6-Day Pre-Primary	June 2, 2010	Through May 31, 2010

**You are only required to file accelerated reports that are due after you file a Trigger Report.** For example, if you file a Trigger Report on May 26, 2010, you are only required to file the 6-Day Pre-Primary Accelerated Report on June 2, 2010.

### **IMPORTANT**

The summary information contained in accelerated reports must be itemized in the appropriate regular campaign finance report. Please contact the Commission staff at 287-4179 if you have any questions about filing this report.



## **2010 TRIGGER REPORT - GENERAL ELECTION**

### **For Legislative Candidates**

- Traditionally financed legislative candidates with a publicly funded opponent are required to file a Trigger Report when the total of all receipts or the total of all expenditures, which ever is greater, exceeds the trigger amount of:  
**\$4,144 for a House candidate or \$19,078 for a Senate candidate.**
- When you file a Trigger Report, the Commission staff will notify you of additional accelerated reports your campaign is required to file.
- The summary information contained in this report must be itemized in the appropriate regular campaign finance report (*i.e.*, 11-Day Pre-General or 42-Day Post-General).
- For more detailed instructions, please see the next page.

#### **CANDIDATE INFORMATION**

Name of candidate	Telephone number
Mailing address	Office sought
City, zip code	District number
Name(s) of publicly funded opponents(s)	

#### **TOTAL RECEIPTS FOR THE GENERAL ELECTION**

<b>Balance of primary election campaign funds on June 8, 2010:</b>	
<b>Total cash contributions received for the general election:</b>	
<b>Total in-kind contributions received after June 8, 2010:</b>	
<b>Total loans received after June 8, 2010:</b>	
<b>Total bank interest received after June 8, 2010:</b>	
<b>TOTAL ALL RECEIPTS:</b>	

#### **TOTAL EXPENDITURES FOR THE GENERAL ELECTION**

<b>Total expenditures after June 8, 2010:</b>	
<b>Total unpaid debts and obligations after June 8, 2010:</b>	
<b>Total in-kind contributions received after June 8, 2010:</b>	
<b>TOTAL ALL EXPENDITURES:</b>	

#### **SIGNATURE AND DATE**

**I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.**

\_\_\_\_\_  
Signature of candidate or treasurer

\_\_\_\_\_  
Date

UNSWORN FALSIFICATION IS A CLASS D CRIME (17-A M.R.S.A. § 453).

## INSTRUCTIONS FOR FILING A TRIGGER REPORT FOR THE 2010 GENERAL ELECTION

**When to file.** If you receive, or spend and obligate, more than your publicly funded opponent's initial distribution ("trigger amount") for the general election, you must file a Trigger Report within 48 hours of going over this amount. The trigger amount for the 2010 general election is:

**\$4,144 for a House candidate or \$19,078 for a Senate candidate.**

In calculating your total receipts, remember to include the cash balance of your primary election campaign funds on the day of the primary election, all cash contributions received for the general election, and all loans and all in-kind contributions received after June 8, 2010. To calculate the total of your cash contributions for the general election, add the amount of general election contributions you received before the primary (these should have been deposited in a separate bank account) and the amount of general election contributions you received after June 8, 2010. Your total expenditures must include all actual expenditures made, obligations and debts incurred, and in-kind contributions received after June 8, 2010. Compare your total receipts (cash + in-kind contributions + loans) and your total expenditures (expenditures + obligations and debts + in-kind contributions). Take the greater of the two and see whether it is more than the trigger amount.

**Please keep in mind that an expenditure is not just a payment to a vendor:**

**What is an expenditure?**

- any obligation to pay for a good or service
- the placement of an order for goods and services
- a promise or agreement (even an implied one) that payment will be made
- the signing of a contract for a good or service
- the delivery of a good or service even if payment has not been made
- the payment for a good or service

**When is an expenditure made?**

The earliest of the following events:

- the placement of an order for a good or service
- a promise or an agreement to pay
- the signing of a contract for a good or service
- the delivery of a good or service
- the making of a payment for a good or service

**How to file.** The trigger (and accelerated reports) must be filed on paper, not electronically. You can fax the signed and completed form to the Commission at 287-6775 as long as the signed original report is received by the Commission within five (5) days. If a report is due on a weekend or holiday, you must file it when it becomes due by faxing it to the Commission. You cannot wait until the next business day.

**Additional reports required.** After filing a Trigger Report, you are required to file "accelerated" reports. The only accelerated reports required are those with deadlines occurring after the date that the Trigger Report was filed (see table below). The Commission will notify your campaign of the required accelerated reports.

**Accelerated Report Schedule for 2010 General Election  
(only for legislative candidates who filed a Trigger Report)**

Type of Report	Filing Deadline: <u>By 5:00 p.m. on</u>	Reporting Period
18-Day Pre-General	October 15, 2010	Through October 13, 2010
6-Day Pre-General	October 27, 2010	Through October 25, 2010

**You are only required to file accelerated reports that are due after you file a Trigger Report.** For example, if you file a Trigger Report on October 18, 2010, you are only required to file the 6-Day Pre-General Accelerated Report on October 27, 2010.

### **IMPORTANT**

The summary information contained in accelerated reports must be itemized in the appropriate regular campaign finance report. Please contact the Commission staff at 287-4179 if you have any questions about filing this report.

## PLACEMENT OF POLITICAL SIGNS

### Robert Sinclair, Supervisor – Right of Way Maintenance Control

Telephone: (207) 624-3611

The Department of Transportation would like to inform all candidates and their co-workers of the present statutory and regulatory requirements applicable to placement of roadside posters and signs advertising their candidacy. Under the provisions of 23 MRSA §1913-A and Department Regulations, political posters and signs may be erected and maintained as follows:

1. May be erected on private property outside the Right of Way limits of public ways at any time prior to an election, primary or referendum, limited in size to a maximum of 50 square feet;
2. May be erected within the Right of Way limits of public ways no sooner than six (6) weeks prior to an election, primary or referendum and must be removed no later than one (1) week following the date of the election, primary or referendum;
3. **Prohibited practices:** political posters and signs shall not be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, upon any trees or painted or drawn upon rocks or other natural features;
4. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an **imitation of or resembles an official traffic-control device**, such as a stop sign;
5. Political signs may be displayed to view to all public ways **except** for the Interstate Highway System. Title 23 MRSA §1913-A, paragraph 3 (Regulations) and paragraph 6 (Interstate system) states that: **Signs may not be placed within the limits of any controlled access highway nor erected within 660 ft. of the nearest edge of the Interstate Highway System in such a manner that the message may be read from the Interstate Highway.** All signs located at interstate interchanges are in violation and will be removed.
6. **Municipal ordinances** advocating stricter control take precedence over state law. Check with the municipal clerk for any such local ordinances.

Traffic safety should be of the utmost consideration in placement of political signs. Candidates and campaign workers should take great care not to place signs or posters where same could create a traffic hazard. For example, signs or posters should not be placed at or near intersections where they could obstruct the view of on-coming traffic to the motorist entering the intersection. Also, signs or posters should not be erected on or in any manner so as to interfere with the effectiveness of traffic control devices. Acceptable display would be those posters or signs affixed to their own stake or post and set in the ground well outside the traveled portion of the highway, or, with the owner's consent and permission,

attached to a building or dwelling, or displayed on vehicles or in the windows of business establishments, and in other like manner. Please help the Department of Transportation to prevent an unsightly, indiscriminate and uncontrolled display of election campaign posters throughout the State and to prevent any possible embarrassment to candidates.

**Questions:** Please call Robert Sinclair, Supervisor – Right of Way Maintenance Control at (207) 624-3611.

Most “violations” are the result of the efforts of ardent campaign workers who do not know the law. It is therefore suggested that this information be passed on to them. **Maine Department of Transportation Maintenance employees will have instructions to remove all improperly placed or maintained political posters and signs.**



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# 2010 TRADITIONALLY FINANCED LEGISLATIVE & COUNTY CANDIDATE GUIDEBOOK

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